IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 33729 of 2007(M)

PETITIONERS:

1. **P.SOOPY, S/O AMMED,**
   AGED 43 YEARS, PART TIME SWEEPER,
   KRISHI BHAVAN, KANIYAMBETTA.

2. **P.M.THANKA, W/O BENNY,**
   AGED 35 YEARS, PART TIME SEEEPER,
   KRISHI BHAVAN, THARIODE.

3. **VIJAYA MANOHARAN, W/O MANOHARAN,**
   AGED 40 YEARS, PART TIME SWEEPER,
   KRISHI BHAVAN, PADINJARATHARA.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS:

1. **STATE OF KERALA, REP. BY THE**
   SECRETARY TO GOVERNMENT,
   AGRICULTURE (FARMS)DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF AGRICULTURE,**
   THIRUVANANTHAPURAM.

3. **THE AGRICULTURAL OFFICER,**
   KRISHI BHAVAN, KANIYAMBETTA-673124.

4. **THE AGRICULTURAL OFFICER,**
   KRISHI BHAVAN, THARIODE.

5. **THE AGRICULTURAL OFFICER,**
   KRISHI BHAVAN, PADINJARETHARA.

6. **THE SECRETARY TO FINANCE DEPARTMENT,**
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 33729 of 2007

Dated this the 30th November, 2007

J U D G M E N T

Petitioners are casual sweepers, who claim to have been working in the offices of respondents 3 to 5 from the years, 1991, 1995 and 1994 respectively. When they were not paid the pay and allowances they were entitled to, apparently along with similarly situated persons, they approached this Court. The same led to Exhibit-P1 judgment. This Court had in Exhibit-P1 judgment held that Part-time Sweepers like the petitioners are eligible to get the benefit of Government Orders fixing the pay of regular part-time Sweepers. Reference in this regard is made to **Santhamma Amma Vs. State of Kerala [2001 (1) KLT S.N.53**]. It seems that sweeping area serviced by the petitioner was ascertained in the light of G.O (P) 501/05/Fin. dated 25.11.2005. Exhibits P2 (a), P4 and P6 are the certificates issued in relation to petitioners, respectively. The applications for creation of Part-time Sweepers in the offices where petitioners are working along with requisitions for regularising the services of the petitioners were forwarded by the Head of the Department to the Government. By Exhibit-P7, these

applications were returned for re-determination of the sweeping area after deleting the store room area. This seems to be on the basis of Exhibit-P8 Circular dated 5.7.2007.

2. In W.P (C) No.19186 of 2005 and connected cases this Court had considered the validity of the appendix to G.O (P) 501/05/Fin. dated 25.11.2005. It has been held that the sweeping area serviced by a casual sweeper will necessarily have to be determined in terms of the appendix to G.O(P) 501/05/Fin. dated 25.11.2005 . Circulars issued subsequent to the Government Orders will have to be subject to G. O (P) 501/05/Fin. dated 25.11.2005.. In the circumstances, the Government will have to consider the applications filed in relation to petitioners in accordance with G. O (P) 501/05/Fin. dated 25.11.2005 and in the light of the observations and findings in the judgment in W.P (C) No.19186 of 2005 and connected cases.

In the result, this writ petition is disposed of directing the 1st respondent to consider Exhibit P2, P3 and P5 applications and taking note of the observations and findings in the judgment in W.P (C) No.19186 of 2005 and connected cases as regards the

mode of determination of the sweeping area as also the application of Clause 11 of the said Government Order. Needful shall be done in this regard, within three months from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007